

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-451920-001 DT

10/10/2014

COMMISSIONER CHARLES DONOFRIO III

CLERK OF THE COURT
M. Miholich
Deputy

STATE OF ARIZONA

SARA E BIRKEMEIER

v.

BRIAN KIMBLE (001)
DOB: 2/17/1962

LOUIS A MOORE JR.

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

8:38 a.m.

Courtroom CCB 802

State's Attorney:	C. Trusken
Defendant's Attorney:	K. Moore
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The plea is accepted.

Count(s) 1 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-451920-001 DT

10/10/2014

802 OFFENSE: Count 1 Amended Endangerment
Class 6 Undesignated Felony
A.R.S. § 13-1201, 28-3001, 3304, 3305, 3315, 13-604, 610, 701, 702, 702.01, 707, 801,

Date of Offense: 10/26/2013
Non Dangerous - Non Repetitive

OFFENSE: Count 3 Amended Driving Under the Influence of Intoxicating Liquor
Class 1 Misdemeanor
A.R.S. § 28-1382(A)(1), 1381(I), 1444, 3304, 3305, 3306, 3315, 3320, 13-707, 802
Date of Offense: 10/26/2013
Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence or execution of sentence and placing Defendant on Unsupervised Probation to be monitored by the Adult Probation Department (APD) in accordance with APD's Compliance Monitoring Standards:

Count 1 Probation Term: 3 Years

To begin 10/10/2014.

Count 3 Probation Term: 3 Years

To begin 10/10/2014.

Conditions of probation include the following:

Condition 11 - Actively participate and cooperate in the following program(s):

Alcohol Counseling

MADD Victim Impact Panel Program

Condition 11 program participation to be started within 90 days of sentencing.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$65.00 per month, beginning on the first day of the second month after release from custody.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-451920-001 DT

10/10/2014

FINE: Count 3 - Total amount of \$457.50, payable \$25.00 per month, which includes surcharges of 83%, payable beginning on the first day of the second month after release from custody.

DUI ABATEMENT FUND: Count 3 - \$250.00, payable \$25.00 per month, beginning on the first day of the second month after release from custody.

DUI INCARCERATION COSTS: Count 3 - \$1,500.00, payable \$100.00 per month, beginning on the first day of the second month after release from custody.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 3 - \$500.00, payable \$25.00 per month, beginning on the first day of the second month after release from custody.

Count 3: \$500.00 payable to the Public Safety Equipment Fund pursuant to A.R.S. § 41-1723, payable \$25.00 per month, beginning on the first day of the second month after release from custody.

PROBATION ASSESSMENT: Count 3 - \$20.00 payable on the first day of the second month after release from custody.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on the first day of the second month after release from custody.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 3 - \$13.00 payable on the first day of the second month after release from custody.

Investigative Agency:

Phoenix Police Department

All amounts payable through the Clerk of the Superior Court.

Condition 17: Complete a total of 40 hours of community restitution. Complete per month. Complete these hours at a site approved by the APD.

Condition 18 - Count 3: Be incarcerated in the county jail for 60 day(s), beginning 10/10/2014 with credit for 1 day(s) served.

Not to be released until 12/08/2014.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-451920-001 DT

10/10/2014

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 22: Other - Additional 60 days of jail if court ordered counseling not completed as determined by APO.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Count 2.

Count(s) 3: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

Count(s) 1: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

8:51 a.m. Matter concludes.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-451920-001 DT

10/10/2014

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER CHARLES DONOFRIO III
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)